

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : Unassigned Confirmation No. :  
First Named Inventor : Denis Claude ROY  
Filed : Herewith  
TC/A.U. : Unassigned  
Examiner : Unassigned  
  
Docket No. : 029049.57806US  
Customer No. : 23911  
  
Title : Immunologic Compounds for Prevention, Protection,  
Prophylaxis of Treatment of Immunological Disorders,  
Infections and Cancer

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO/SB/08 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

**I. Time Period of Submission**

This Information Disclosure Statement is submitted:

☒ 1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later) or 3) before a first Office Action after the filing of a Request for Continued Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

☐ 2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

☐ a Statement under 37 C.F.R. § 1.97(e); or

☐ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or

III. Statement under 37 C.F.R. § 1.704(d)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.

IV. Submission of Non-English Language Documents

☐ The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO/SB/08:

☐ The relevance of document(s) \_\_\_\_\_ to the subject matter of the present invention is/are provided in the specification of the above-identified application.

☐ Corresponding foreign or international report(s) citing document(s) \_\_\_\_\_, together with an English-language version(s) (if not already in English) of that portion of the report(s) indicating the degree of relevance found by the foreign office(s) is/are submitted.

☐ English language family member publication(s) of document(s) \_\_\_\_\_ is/are noted on Form PTO/SB/08.

☐ English language abstract(s) is/are submitted for document(s)  
\_\_\_\_\_.

☐ English translation(s) of the foreign language document(s)  
\_\_\_\_\_ is/are submitted herewith.

☐ Applicant submits the following explanations:  
\_\_\_\_\_.

V. Relevance

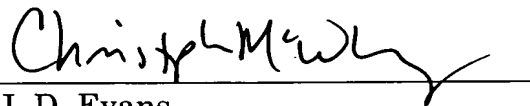
Documents A1 – A4 and A10 – A12 were cited as being relevant in the International Application, PCT/CA2004/002070 filed December 2, 2005. A copy of the International Search Report setting forth the portion of each reference which the Examiner considered relevant is attached hereto in English. The relevance of documents A5 – A9 to the subject matter of the present invention is/are provided in the specification of the above-identified application.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 029049.57806US, for the fee set forth in 37 C.F.R. § 1.17(p).

June 5, 2006

Respectfully submitted,

  
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|--|---|----|---|---|--|--|
| Substitute for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>Date Submitted: June 5, 2006<br>(use as many sheets as necessary) |   |    |   | <b>Complete if Known</b>  |  |  |
|  |   |    |   | Application Number: Unassigned<br>Filing Date: Herewith<br>First Named Inventor: Denis Claude ROY et al.<br>Group Art Unit: Unassigned<br>Examiner Name: Unassigned<br>Attorney Docket Number: 029049.57806US |  |  |
| Sheet  | 1 | of | 2 | 10/581718<br>JAP2006010000 PTO 05 JUN 2006  |  |  |

| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |  |   |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                       | A1                    | 5,773,460            | B                                 | GABOURY et al.                                  | 06-30-1998                                       |   |
|                       |                       |                      |                                   |   |  |   |

| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                                   |  |  |   |                |
|--------------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |  |   |                |
|                          | A2                    | WO                      | 02/079183           | A1                                | THERATECHNOLOGIES INC.                           | 03-27-2002                                       |   |                |
|                          | A3                    | WO                      | 01/24824            | A1                                | UNIVERSITE DE MONTREAL et al.                    | 04-12-2001                                       |   |                |
|                          | A4                    | WO                      | 96/07431            | A1                                | UNIVERSITE DE MONTREAL et al.                    | 03-14-1996                                       |   |                |
|                          | A5                    | WO                      | 96/31237            | A1                                | WOUND HEALING OF OKLAHOMA                        | 10-10-1996                                       |   |                |
|                          | A6                    | WO                      | 99/47162            | A1                                | WOUND HEALING OF OKLAHOMA                        | 09-23-1999                                       |   |                |
|                          | A7                    | WO                      | 98/07436            | A1                                | VASOGEN INC.                                     | 02-26-1998                                       |   |                |
|                          | A8                    | WO                      | 97/37654            | A1                                | THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA   | 10-16-1997                                       |   |                |
|                          | A9                    | WO                      | 97/36634            | A1                                | THERAKOS, INC.                                   | 10-09-1997                                       |   |                |
|                          |                       |                         |                     |                                   |  |  |   |                |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**Substitute for form 1449B/PTO**  
**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**

Date Submitted: June 5, 2006

*(use as many sheets as necessary)*

|       |   |    |   |
|-------|---|----|---|
| Sheet | 2 | of | 2 |
|-------|---|----|---|

**Complete if Known**

Application Number

Unassigned

Filing Date

Herewith

First Named Inventor

Denis Claude ROY et al.

### Group Art Unit

## Assignment

Examiner Name

Unassigned

Attorney Docket Number

029049.57806US

## NON PATENT LITERATURE DOCUMENTS

**Examiner  
Signature**

Date  
Considered

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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